IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7014 of 1987

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJARAT STATE ROAD TRANSPORT - Petitioner(s)

Versus

HATHIM M.TRAVADI - Respondent(s)

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Appearance :

MR HARDIK C RAWAL for Petitioner No(s).: 1.

NOTICE UNSERVED for Respondent No(s).: 1.

DS AFF.NOT FILED (R) for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 19/07/2005

ORAL JUDGMENT

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1. This petition is directed against the judgment and award dated 4th August, 1986 passed by the Industrial Tribunal, Rajkot in Reference [I.T.] No. 153 of 1981 whereby the Industrial Tribunal while exercising the powers under Section 11A of the Industrial Disputes Act,

1947 has substituted the order to the extent that the amount of 50% of the value of the parcel be realized from the respondent.

2. The short facts of the case are that the respondent was working as a Conductor with the petitioner Corporation. While the respondent was on duty, one M/s. Jaigautam Textiles had delivered two parcels and out of which, one parcel was lost. In view of that M/s. Jaigautam Textiles lodged a complaint against the Corporation for the loss of one parcel. Thereafter, departmental inquiry was held against the respondent for being negligent in his duty. Since the respondent was held liable for the loss of parcel, the Competent Authority ordered that the said amount be recovered from the respondent.

2.1. Being aggrieved by the said action, the respondent raised an industrial dispute which was ultimately referred to the Industrial Tribunal, Rajkot for adjudication. The Industrial Tribunal after considering the case on merits, passed the impugned award. Hence, this petition.

3. I Have heard the learned counsel for the parties. Having perused the materials produced on record, it transpires that the Industrial Tribunal while exercising the powers under Section 11A has substituted the amount to the extent of 50% for the amount which was required to be recovered from the respondent. Thus, I am in complete agreement with the reasonings adopted and findings arrived at by the Industrial Tribunal and no interference is called for by this Court. Hence, the petition is dismissed. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]

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